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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 10/052,585 | 01/23/2002 | Mark Webster Newman | D/A1084 (1508/3290) | 2571 |
| 7590 | 01/09/2006 | | EXAMINER | |
| Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051 | | | VO, TIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2112 | |
| | | | DATE MAILED: 01/09/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/052,585 | NEWMAN ET AL. | |
| | Examiner | Art Unit | |
| | Tim T. Vo | 2112 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Part III DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 1-28 are pending.

Response to RCE

This is a RCE of applicant's earlier Application No. 10/052585. All claims are drawn to the same invention claimed and the same arguments in the earlier application.

Therefore, examiner maintains the same ground of rejections and the same responses as discussed in the final office action and advisory office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Provino et al. patent number 6,535,929 referred hereinafter "Provino".

As for claims 1, 11 and 20, Provino teaches a system and a method comprising: a plurality of devices (figure 1, 40, 42, 46, 34); a first device in the plurality of devices having a universal contextual interface (see column 3 line 63 to column 4 line 4 and column 5 lines 23-34, wherein the universal communication comprising interface module 78), the universal contextual interface associated with at least one instruction

for transferring contextual data (see column 5 lines 23-67, wherein instructions are REGISTER, Deregister, SEND, RECEIVE etc.); and a second device in the plurality of devices that invokes the universal contextual interface of the first device to execute the at least one instruction to transfer the contextual data between the first device and at least one of the plurality of devices (see figure 1, column 5 lines 23-67 and column 4 lines 18-37, wherein other devices such as 42, 46, etc. invokes universal communication and instructions such as REGISTER etc. for transfer to other devices such as 42, 46, 34, thus figure 1 discloses plurality of computers 20 are connecting to each other via LAN 22 and the LAN 22 is connecting to other computer 26 via the Internet or WAN), the plurality of devices having no prior knowledge of each other (see abstract, wherein the devices such as 40, 42, 46, 34 allow two applications of dissimilar addressing mode to communicate with one another without a priori knowledge of each other).

As for claims 2, 12 and 21, Provino teaches wherein the at least one of the plurality of devices comprises the second device (see figure 1, 42, 46, 34 etc.).

As for claims 3, 13 and 22, Provino teaches wherein the first device sends a context object to the second device to be used by the second device to transfer the contextual data (see figure 1 and column 4 lines 18-37).

As for claim 4, Provino teaches wherein the second device receives a context object from the first device to be used by the at least one of the plurality of devices for receiving contextual data transmitted from the first device (see figure 1 and column 4 lines 18-37).

As for claims 5, 14 and 23, Provino teaches wherein the at least one of the plurality of devices uses the contextual data as a criteria to authorize the first device or the second device to access instructions, data or operations associated with the at least one of the plurality of devices (see column 5 lines 23-67).

As for claims 6, 15 and 24, Provino teaches wherein the universal contextual interface or a context object have source-specific, object-oriented mobile code that can be understood and performed by the at least one of the plurality of devices to receive contextual data (see column 10-12 Appendix).

As for claims 7, 16 and 25, Provino teaches wherein the plurality of devices comprise at least one device, at least one software application or at least one file (see column 3 lines 36-48).

As for claims 8, 17 and 26, Provino teaches wherein the first device further comprises a historical database having at least one record of data provided by the second device during invocation of the universal contextual interface (see figure 5, steps 210, 208, 214, wherein step 210 indicates history of application whether the application has previously registered).

As for claims 9, 18 and 27, Provino teaches wherein the second device invokes a universal notification interface to register the at least one of the plurality of devices to receive an event notification each time the contextual data changes (see column 5 lines 35-45).

As for claims 10, 19 and 28, Provino teaches wherein the contextual data comprises executable computer language instructions, or a type, operating status,

identity, location, administrative domain or environment information of at least one of the plurality of devices (see column 6 lines 19-46).

Response to Arguments

1. Applicant's arguments filed 03/01/2005 have been fully considered but they are not persuasive.
2. In response to the applicant's arguments that Provino does not teach the universal communication mechanism can facilitate the transfer of context data between two devices having no prior knowledge of each other, as amended. Figure 1, Provino discloses plurality of computers 20 are connecting to each other via LAN 22 and further connecting to other computers 26 via the Internet or WAN. Further, Provino teaches these computers 20, 26 are communicating to each other via LAN 22, Internet 24 having no prior knowledge of each other (column 4 lines 18-37 and abstract), thus, Provino teaches virtual device driver (V x D) which is a universal communication mechanism between application programs in a multitasking environment such as the MICROSOFT WINDOWS operating system environment as discloses in figure 1 such: DOS, Win 95 and Win NT in three different computers 20. Further, Provino teaches the universal communication mechanism can also be delivered electronically via communication link 44, Internet 24 and LAN 22. These facts, clearly anticipate what is claimed such that, the universal communication mechanism facilitate the transfer on the context data of different application programs from different OS systems of computers 20, 26 as discloses in figure 1, DOS, Win 95 and Win NT and when the application program from one computer is transferred to another computer via LAN 22, Internet 24

and communication 44 as discloses in figure 3 column 5 lines 23-67 and figure 1 and column 4 lines 18-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 703-308-5862. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/06/06



Tim T. Vo
Primary Examiner
Art Unit 2112